

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

HON. THOMAS B. LINDBERG

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Rachel Roehe, Deputy Clerk

DATE: June 2, 2010

**FILED**

DATE: June 2, 2010

5:30 O'Clock P.M.

**JEANNE HICKS, CLERK**

BY: Rachel Roehe

**Deputy**

**TITLE:**

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

**COUNSEL:**

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

**HEARING ON:**

Jury Trial / Jury Selection – Day 15

Pending Motions

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 8:32 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
Steven DeMocker, Defendant  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant

Court convenes with the presence of the Defendant and Counsel. The jurors are not present.

Discussion takes place with regard to scheduling for this morning's proceedings.

Discussion takes place with regard to cameras in the courtroom.

The Court **DENIES** Defense Counsel's request to disallow cameras in the courtroom. The Court authorizes the cameras that are positioned where they currently are. The Court requests that the news crew contact Court Administration to have the ceiling tile trimmed so that it becomes less obtrusive and that the news crew has agreed to pay for the replacement ceiling tile. The Court requests that the camera operators demonstrate the field of vision for the camera mounted on the ceiling.

Discussion takes place with regard to juror numbered [REDACTED] on the random list and a letter received from the juror's employer.

Discussion takes place with regard to *Blakely v Washington* and whether jurors would be needed for an aggravating circumstances phase of the trial.

Counsel argue the Motion for Leave to Amend to Allege Aggravating Circumstances.

The Court **DENIES** the request to add aggravating circumstances for the reasons set forth on the record.

The Court **DENIES** Defense Counsel's request regarding the allegation of heinous, cruel and depraved.

The Court finds that the testimony by Dr. Keen may be relevant to the jury's determination of guilt or innocence and how the events transpired.

Discussion takes place with regard to jury issues.

Defense Counsel informs the Court that they have filed an application for conditional stay.

Discussion takes place with regard to jury strikes.

In response to Defense Counsel's request for a stay, the Court states that it does not intend to grant a stay unless the Defendant cannot get a fair and impartial jury out of the panel that we have.

Discussion takes place with regard to *voir dire* issues.

Discussion takes place with regard to designation of a case agent.

Captain David Rhodes is designated as the State's case agent.

~\*~\*~\*~\*~ Recess – 9:52 a.m. ~\*~\*~\*~\*~

At 10:14 a.m., Court reconvenes with the presence of all parties previously present.

Discussion takes place with regard to juror numbered [REDACTED] on the random list.

At 10:20 a.m., the following 38 prospective jurors are sworn, called into the jury box and examined on *voir dire*.

[REDACTED]

The Court addresses the jurors regarding *voir dire* and informs the jurors of the changes in the circumstances of this case.

Court and Counsel hold a discussion at sidebar, off the record.

The Court addresses the potential jurors regarding cameras in the courtroom and media coverage of the trial in this matter.

The potential jurors continue to be examined on *voir dire*.

At 11:22 a.m., the Court reminds the jurors of the admonition and excuses the potential jurors from the Courtroom to allow for *voir dire* on individual jurors.

Court and Counsel discuss the jurors to examine on individual *voir dire*.

Court **DENIES** Defense Counsel's request for individual *voir dire* on Fifth Amendment and punishment issues. The Court will allow limited questioning on the jurors identified by the Court.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

Counsel for the State requests to dismiss the juror for hardship.

The Court **DENIES** the request to excuse the juror for hardship.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

The Court directs the Bailiff to release the jurors for lunch and have them reassemble in the Jury Room at 1:15 p.m.

~\*~\*~\*~\*~ Recess – 12:06 p.m. ~\*~\*~\*~\*~

At 1:22 p.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

Defense Counsel requests to dismiss the juror for cause.

The Court takes the issue of excusing [REDACTED] for cause under advisement.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

Defense Counsel requests to dismiss the juror for hardship.

The Court takes the issue of excusing [REDACTED] for hardship under advisement.

Discussion takes place with regard to potential jurors.

Defense Counsel renews his motion to excuse [REDACTED]

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

Discussion takes place with regard to potential jurors.

[REDACTED] is individually examined on *voir dire*.

The juror exits the Courtroom.

[REDACTED] is individually examined on *voir dire* regarding scheduling issues.

The juror exits the Courtroom.

~\*~\*~\*~\*~ Recess – 3:08 p.m. ~\*~\*~\*~\*~

At 3:27 p.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

Discussion takes place with regard to potential jurors.

The Court states that it will excuse [REDACTED] for cause.

The Court declines to excuse [REDACTED] for hardship.

The Court informs Counsel that each side will have an even number of peremptory strikes and the odd juror will be eliminated.

Defense Counsel requests a stay of the proceedings. The Court **DENIES** the motion for stay.

Upon request of Defense Counsel, the Court **ORDERS** expedited transcripts of today's proceedings.

Defense Counsel renews the motion for transcripts of all individual *voir dire*. The Court **DENIES** the renewed request.

Defense Counsel requests to have a delay in the start of trial for a couple of days. The request is **DENIED**.

Defense Counsel renews their motion to have additional peremptory strikes and suggests the Defense to have 10 strikes and the State to have 9 strikes. The request is **DENIED**.

The Court states that it will excuse [REDACTED] for hardship.

The Court advises the parties that each side will receive 6 peremptory strikes plus an additional 3 strikes to get down to 18 jurors.

[REDACTED] enters the Courtroom. The juror is advised that she is excused for hardship. The juror is reminded of the admonition and is excused.

[REDACTED] enters the Courtroom. The juror is advised that he is excused from jury service in this case. The juror is reminded of the admonition and is excused.

At 4:00 p.m., the remaining 36 prospective jurors enter the Courtroom.

The prospective jurors are instructed that unless they receive a phone call from Division 6 or the Clerk's Office telling them that they are excused, they shall report at 8:45 a.m. to the Jury Assembly Room. The jurors are reminded of the admonition and exit the Courtroom.

Counsel argue the motion from Christopher DuPont regarding Charlotte Democker.

The Court authorizes Charlotte to not have to appear tomorrow. The subpoena is enforceable on or after June 4. Upon request of the State, **IT IS ORDERED** that she honor the subpoena for Friday morning.

The Court stands at recess while Counsel exercise their peremptory strikes.

**END TIME: 4:12 p.m.**

cc: VS (e)  
Dean Trebesch (Contract Administrator) (PD) (e)  
Division 6 (Under Advisement)  
YCSO (e)  
John Napper, Counsel for Renee Girard (e)  
Christopher DuPont, Trautman DuPont PLC (e),  
Counsel for Victims Charlotte and Katherine DeMocker